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REMARKS

This response is intended as a full and complete response to the final Office Action mailed on September 11, 2006. In the Office Action, the Examiner notes that claims 23, 24, 27, 32-51 and 53-59 are pending of which claims 23, 24, 27, 32-50 and 59 are rejected, claim 51 is allowed, and claims 53-58 are objected to. By this response, Applicants have amended claims 23, 24, 27, 32, 39, 49, 53 and 59 and cancelled claims 43-48.

In view of the above amendments and the following discussion, Applicants submit that none of the claims now pending in the application are obvious under the provisions of 35 U.S.C. §103.

It is to be understood that, by amending the claims, Applicants do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant response.

Amendments to the Claims

By this response, Applicants have amended claims 23, 24, 27, 32, 39, 49, 53 and 59. The amendments are fully supported by the Application as originally filed. For example, the amendments to the claims are supported at least by page 101, lines 12-18 of the Applicants specification. Thus, no new matter has been added and the Examiner is respectfully requested to enter the amendments.

Furthermore, the amendments to the claims represent subject matter that has already been considered, in a substantially similar form, by the Examiner as part of currently allowable claims 51. Therefore, the amendments to the claims will not require a further search by the Examiner.

Objections to the Claims and Allowable Subject Matter

Applicants thank the Examiner for the allowance of independent claim 51.

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The Examiner has objected to claims 53-58 indicating that they would be allowable as further dependents of claim 51 if claim 53 were amended to be dependent from allowed claim 51 rather than cancelled claim 52. Claim 53 has been amended to be dependent from allowed claim 51. As such, Applicants respectfully request that the Examiner's objection be withdrawn and claims 53-58 be allowed

35 U.S.C. §103 Rejection of Claims 23, 24, 27, 39-51, and 59

The Examiner has rejected claims 23, 24, 27, 39-51, and 59 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,003,384 to Durden (hereinafter "Durden") in view of U.S. Patent No. 4,745,549 to Hashimoto (hereinafter "Hashimoto"). Notably, Examiner also uses U.S. Patent No. 5,142,690 to McMullan (hereinafter "McMullan") to reject the Applicants claims. Consequently, the Applicants assume the claims are rejected by Durden in view of Hashimoto and in further view of McMullan. Regardless, the Applicants respectfully traverse the rejection.

Applicants respectfully note that claim 51 is allowed. As such, Applicants respectfully request that the Examiner's rejection of claim 51 under 35 U.S.C. §103(a) as being unpatentable over Durden, Hashimoto and McMullan should be withdrawn.

Moreover, Applicants herein amend claims 23, 24, 27, 39, 49 and 59 to incorporate the allowable limitations of independent claim 51 and cancel claims 43-48. Specifically, independent claims 23, 24, 27, 39, 49 and 59 are amended to include the allowable limitation of "means for creating terminal group information indicating group assignments for the terminals by correlating the programs watched counts with categories of data, wherein the data categories include demographic data, and wherein the data categories are available for providing programming to the terminals".

Therefore, similar to the reasons that claim 51 is allowable, the Applicants respectfully submit that amended independent claims 23, 24, 27, 39 and 49 and 59 are also patentable over the combination of Durden, Hashimoto and McMullen.

As such, Applicants submit that independent claims 23, 24, 27, 39, 49 and 59 are non-obvious and fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder. Furthermore, each of the remaining rejected claims depends

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from one of these claims and recites additional limitations therefrom. Therefore, these remaining rejected claims are patentable for at least the reasons discussed above with respect to the claims from which they depend.

Therefore Applicants respectfully request that all of the rejections be withdrawn.

Claims 32-38

The Examiner has rejected claims 32-38 as being unpatentable over Durden in view of Hashimoto. Applicants respectfully traverse the rejection.

Applicants herein amend claim 32 to incorporate the allowable limitations of independent claim 51. Specifically, independent claim 32 is amended to include the allowable limitation of "means for creating terminal group information indicating group assignments for the terminals by correlating the programs watched counts with categories of data, wherein the data categories include demographic data, and wherein the data categories are available for providing programming to the terminals".

As discussed above, the Durden and Hashimoto references fail to teach or suggest Applicants' invention as a whole. Substantially similar arguments are hereby made regarding independent 32 by referring to the above argument in regards to claim 51.

As such, Applicants submit that independent claim 32 is non-obvious and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Furthermore, each of the remaining rejected claims depends from claim 32 and recites additional limitations therefrom. Therefore, these remaining rejected claims are patentable for at least the reasons discussed above with respect to claim 32 from which they depend.

Therefore Applicants respectfully request that all of the rejections be withdrawn.

THE SECONDARY REFERENCES

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to Applicants' disclosure than the primary references cited in the Office Action. Therefore, Applicants believe that a

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detailed discussion of the secondary references is not necessary for a full and complete response to this Office Action.


CONCLUSION

Thus, Applicants submit that none of the claims presently in the application are obvious under the provisions of 35 U.S.C. §103. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall or Jimmy Kim, at (732) 530-9404, so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Dated: 12/11/06



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